

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

THE APPLICATION OF JAMES K. PLUMMER,)
JR., D/B/A RA-TEL COMMUNICATIONS FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 9520
NECESSITY TO OPERATE AS A RADIOTELE-)
PHONE UTILITY PROVIDING PAGING SERVICE)
FOR THE CYNTHIANA, KENTUCKY, AREA)

O R D E R

On March 5, 1986, RA-TEL Communications ("RA-TEL") filed its application for a certificate of public convenience and necessity to provide radio paging service on an operating frequency of 35.56 MHz in the Cynthiana, Kentucky, area.

On March 6, 1986, a letter was sent by the Commission to Comtel, a business with which the proposed RA-TEL service might compete. The Commission allowed 20 days for a response from the competitor. Comtel filed its response concerning the proposed RA-TEL service on March 21, 1986, and stated that based on RA-TEL's market survey results, there did not appear to be a great demand for the new service. Comtel further stated that it serves the majority of Central Kentucky and to the best of its knowledge is meeting all service needs. In concluding its letter of response, Comtel noted that if the Commission sees fit to grant authority to RA-TEL to provide the proposed service, it would neither object or intervene.

RA-TEL filed results of a survey of potential customers which included names of persons or firms who expressed interest in obtaining its proposed paging service. RA-TEL requested that this specific information be granted confidential treatment in accordance with the Commission's Rules of Procedure.

While the results of the RA-TEL survey were not numerically overwhelming, the Commission in these cases only requires that an applicant demonstrate that there is or will be public need for its proposed service, and does not specify a numerical level for meeting this criteria.

The Commission finds that the customer survey submitted by RA-TEL demonstrates that there is public need for the proposed service and that this information is proprietary and confidential.

RA-TEL has received approval to construct its antenna and associated operational equipment from the Federal Communications Commission ("FCC"). This facility equipment will be maintained by RA-TEL's owner/engineer, who has been involved in transmitter and broadcast maintenance for over 10 years.

The financial information submitted by RA-TEL demonstrates that it is financially capable of providing the proposed service. The rates, rules and regulations proposed by RA-TEL for its paging service are fair, just and reasonable.

The Commission, having considered the evidence of record and being advised, is of the opinion and finds that:

(1) RA-TEL has shown good cause in support of its request for confidential treatment of the potential customer survey filed with the Commission.

(2) There is a public need for the proposed RA-TEL service.

(3) RA-TEL is financially and technically capable of providing the proposed service.

(4) RA-TEL's proposed rates, rules and charges are fair, just and reasonable.

(5) RA-TEL should be granted a certificate of public convenience and necessity to construct and operate its proposed service.

(6) RA-TEL should file its annual reports with the Commission and maintain its accounting system as prescribed by the Uniform System of Accounts for Radio Common Carriers.

IT IS THEREFORE ORDERED that the customer survey list filed by RA-TEL be and hereby is granted confidential treatment.

IT IS FURTHER ORDERED that RA-TEL be and it hereby is granted a certificate of public convenience and necessity to construct and operate its proposed paging service in the Cynthiana, Kentucky, area.

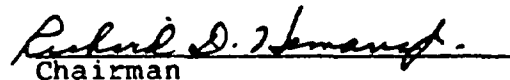
IT IS FURTHER ORDERED that the rates and charges as submitted in RA-TEL's application as Exhibit 9 be and they hereby are approved for service rendered on and after the date of this Order.

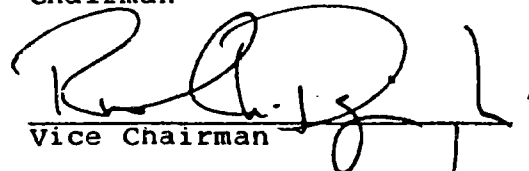
IT IS FURTHER ORDERED that RA-TEL shall file its tariffs containing its rates, rules and regulations in accordance with the Commission's regulations 30 days prior to institution of service.

IT IS FURTHER ORDERED that RA-TEL shall file its annual reports with the Commission and maintain its accounting system as prescribed by the Uniform System of Accounts for Radio Common Carriers.

Done at Frankfort, Kentucky, this 16th day of April, 1986.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary